

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

United States of America

Action No. 6:04-CR-20075

versus

Judge Tucker L. Melançon

Gregory J. Caton

Magistrate Judge C. Michael Hill

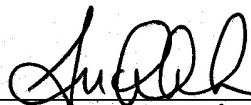
CERTIFICATE AS TO APPEALABILITY

A notice of appeal having been filed on December 14, 2005 [Rec. Doc. 56] in the above captioned case subsequent to the Court's December 13, 2005 Judgment [Rec. Doc. 51] denying petitioner's §2255 motion,

Having considering the record in this case and the requirements of Federal Rule of Appellate Procedure 22(b), the Court hereby finds that a certificate of appealability should not issue for the following reasons:

Adopting the analysis contained in the Report and Recommendation of the Magistrate Judge issued herein on November 23, 2005 [Rec. Doc. 49], the Court finds that there is no basis in law or fact entitling petitioner to the relief he seeks.

Thus done and signed this 4th day of January, 2006 at Lafayette, Louisiana.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE